

Counsel listed on next page

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DAVID HALTERMAN,

Plaintiff,

v.

LEGATO SOFTWARE, a Division of EMC  
Corporation; EMC CORPORATION, dba  
EMC PERIPHERALS, INC., and DOES 1-X,

Defendants.

Case No. C04-2660 JW

**STIPULATION AND [PROPOSED]  
ORDER SETTING TIME FOR  
DISCLOSURE OF MENTAL  
HEALTH EXPERT REBUTTAL  
REPORTS  
CIV. L.R. 6-2(a)**

STIPULATION AND [PROPOSED] ORDER SETTING  
TIME FOR DISCLOSURE OF MENTAL EXPERT  
REBUTTAL REPORTS

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1 PURSUANT TO LOCAL RULE 6-2(a), Plaintiff David Halterman and Defendant  
2 EMC Corporation (collectively, "the parties") stipulate as follows:

3 WHEREAS, the Court's July 9, 2005, Order required the parties to disclose mental  
4 health experts and exchange reports on September 1, 2005, and to disclose rebuttal mental health  
5 experts and exchange reports on or before September 12, 2005;

6 WHEREAS, independent mental examinations of plaintiff took place on August  
7 22 and 23, 2005, with defendant's experts, and September 6, 8, and 12, 2005, with plaintiff's  
8 expert;

9 WHEREAS, the parties orally agreed to extend the disclosure date to September  
10 16, 2005, to accommodate the scheduling of plaintiff's expert's examination and to allow their  
11 experts time to complete their reports in a reasonable time after the mental examinations of  
12 plaintiff;

13 WHEREAS, the parties accordingly disclosed mental health experts and  
14 exchanged reports on September 16, 2005, pursuant to their oral agreement;

15 WHEREAS, the Court's September 22, 2005, Order continued the close of the  
16 discovery related to all experts, including mental health experts, to November 11, 2005, and  
17 continued the last day for hearing on a motion to exclude an expert witness to December 19,  
18 2005;

19 WHEREAS, because of the timing of the initial disclosure and exchange of mental  
20 health expert reports, and the fact that the rebuttal deadline has already passed, the parties require  
21 an extension of time for the exchange of rebuttal reports;

22 WHEREAS, the parties have sought four prior modifications to the schedule for  
23 the case, which were approved by the Court on June 9, 2005, July 8, 2005, August 15, 2005, and  
24 September 22, 2005, respectively;

25 WHEREAS, plaintiff sought a modification of the schedule to continue the hearing  
26 date for EMC's motion for summary judgment until December 5, 2005, which was approved by  
27 the Court on September 1, 2005;

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1 IT IS HEREBY STIPULATED by and between the parties to this action, through  
2 their designated counsel, that parties will disclose and exchange mental health expert rebuttal  
3 reports on October 21, 2005.

4 Dated: October 5, 2005

Respectfully submitted,

6 KATHRYN BURKETT DICKSON  
DICKSON – ROSS LLP

8 DAVID ANGLE  
ANGLE & ANGLE LLC

10 By: \_\_\_\_\_ /s/  
Kathryn Burkett Dickson  
Attorneys for Plaintiff David Halterman

12 Dated: October 5, 2005

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15 LEANNE FITZGERALD  
EMC CORPORATION

17 By: \_\_\_\_\_ /s/  
Michael D. Weil  
Attorneys for Defendant EMC Corporation

19 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
20 “conformed” signature (/s/) within this efiled document.

22 By: \_\_\_\_\_ /s/  
Michael D. Weil  
Attorneys for Defendant EMC Corporation.

24 IT IS SO ORDERED:

25 Dated: 10/6/05

26   
27 The Honorable Patricia Trumbull  
United States Magistrate Judge